

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**In re:**

**GALLERIA 2425 OWNER LLC,**

**Debtor.**

**Case No. 23-34815  
Chapter 11**

**RESPONSE TO EMERGENCY MOTION IN LIMINE**

**COMES NOW 2425 WL, LLC** and file this Response to Emergency Motion in Limine and would show as follows:

1. The National Bank of Kuwait has filed an Emergency Motion in Limine (ECF No. 519). The motion seeks to exclude evidence of claims against National Bank of Kuwait prior to the date of a certain settlement agreement.
2. As an initial matter, a motion in limine is improper in a bench trial. “The courts in the Fifth Circuit have consistently held that a motion in limine ‘serves no real purpose in a bench trial since the court can and does readily exclude from its consideration inappropriate evidence of whatever ilk.’” *Rash v. Lafayette County*, 2022 U.S. Dist. LEXIS 58231 (N.D. Miss. 2022).
3. Further, the fact that certain bad acts occurred prior to the date of a settlement agreement does not make that conduct inadmissible.
  - (a) The acts might be part of a pattern and practice of behavior by the Bank which would be relevant to examining its conduct.
  - (b) The release in the settlement agreement might not be enforceable. If the Bank breached the settlement agreement first, then it would not be entitled to enforce the releases.
  - (c) There are other grounds where the releases might not be enforceable such as fraud.
4. The Court should listen to the evidence and rule when the issue arises rather than categorically excluding evidence before it is offered.

Respectfully Submitted,

**BARRON & NEWBURGER, P.C.**  
7320 N. Mopac Expwy, Suite 400  
Austin, Texas 78731  
(512) 649-3243  
(512) 476-9253 Facsimile

/s/ Stephen Sather  
Stephen Sather  
State Bar No 17657520  
**ATTORNEY FOR 2425 WL, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 17, 2024, a true and correct copy of the foregoing Response was served upon the parties on the attached Matrix by United States First Class Mail, postage prepaid, or by the Court's ECF noticing system to those parties registered to receive such service. Additionally it was sent to all parties registered for CM/ECF upon filing. I also emailed a copy to Charles Conrad, Andrew Troop and Patrick Fitzmaurice.

/s/ Stephen Sather  
Stephen Sather

Label Matrix for local noticing  
0541-4  
Case 23-34815  
Southern District of Texas  
Houston  
Tue Jun 11 11:35:00 CDT 2024

CC2 TX, LLC  
c/o Howard Marc Spector  
Spector & Cox, PLLC  
12770 Coit Road Suite 850  
Dallas, TX 75251-1364

(p)HARRIS COUNTY ATTORNEY'S OFFICE  
P O BOX 2928  
HOUSTON TX 77252-2928

Houston ISD  
Linebarger Goggan Blair & Sampson LLP  
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PO Box 3064  
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Austin, TX 78729-4422

Ali Choudhry  
1001 West Loop South 700  
Houston, TX 77027-9084

CC2 TX, LLC  
14800 Landmark Blvd., Suite 400  
Dallas, TX 75254-7598

Caz Creek Lending  
118 Vintage Park Blvd No. W  
Houston, TX 77070-4095

City of Houston  
c/o Tara L. Grundemeier  
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Environmental Coalition Inc  
PO Box 1568  
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National Bank of Kuwait, S.A.K.P., New York

2425 West Loop, LLC  
2000 Hughes Landing Blvd., Suite 815  
The Woodlands, Texas 77380-4142

Arin-Air, Inc.  
5710 Brittmoore Rd. #13  
Houston, TX 77041-5627

CFI Mechanical, Inc  
6109 Brittmoore Rd  
Houston, TX 77041-5610

Cirro Electric  
PO Box 60004  
Dallas, TX 75266

Comcast  
PO Box 60533  
City of Industry, CA 91716-0533

Ferguson Facilities Supplies  
PO Box 200184  
San Antonio, TX 78220-0184

Arin-Air Inc.  
c/o Smith & Cerasuolo, LLP  
7500 San Felipe, Suite 777  
Houston, TX 77063-1709

Galleria 2425 Owner, LLC  
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Houston, TX 77027-9084

Houston Community College System  
Linebarger Goggan Blair & Sampson LLP  
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United States Bankruptcy Court  
PO Box 61010  
Houston, TX 77208-1010

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PO Box 382109  
Pittsburgh, PA 15251-8109

Ash Automated Control Systems, LLC  
PO Box 1113  
Fulshear, TX 77441-2013

CNA Insurance Co  
PO Box 74007619  
Chicago, IL 60674-7619

City of Houston  
PO Box 1560  
Houston, TX 77251-1560

Datawatch Systems  
4520 East West Highway 200  
Bethesda, MD 20814-3382

Firetron  
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Stafford, TX 77497-1604

(p)FIRST INSURANCE FUNDING  
450 SKOKIE BLVD SUITE 1000  
NORTHBROOK IL 60062-7917

Gulfstream Legal Group  
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Houston, TX 77002-3509

H.N.B. Construction, LLC  
c/o Malcolm D. Dishongh  
PO Box 2347  
Humble, TX 77347-2347

HNB Construction, LLC  
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Kings 111 Emergency Communications  
751 Canyon Drive, Suite 100  
Coppell, TX 75019-3857

Lexitas  
PO Box Box 734298 Dept 2012  
Dallas, TX 75373-4298

Lloyd E. Kelley  
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Houston, TX 77005-1352

Logix Fiber Networks  
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Dallas, TX 75373-4120

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Mueller Water Treatment  
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Houston, TX 77043-3899

Naissance Galleria, LLC  
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701 N. Post Oak Rd. Ste 216  
Houston, TX 77024-3868

National Bank of Kuwait  
299 Park Ave. 17th Floor  
New York, NY 10171-0023

Nationwide Security  
2425 W Loop S 300  
Houston, TX 77027-4205

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TKE  
3100 Interstate North Cir SE 500  
Atlanta, GA 30339-2296

U.S. Trustee's Office  
515 Rusk, Suite 3516  
Houston, Texas 77002-2604

US Retailers LLC d/b/a Cirro Energy  
Attention: Bankruptcy Department  
PO Box 3606  
Houston, TX 77253-3606

US Trustee  
Office of the US Trustee  
515 Rusk Ave  
Ste 3516  
Houston, TX 77002-2604

Waste Management  
PO Box 660345  
Dallas, TX 75266-0345

Zindler Cleaning Service Co  
2450 Fondren 113  
Houston, TX 77063-2314

Ali Choudhri  
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Rodney Drinnon  
McCathern Houston  
2000 W Loop S  
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Houston, TX 77027-3744

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Harris County, ATTN: Property Tax Division  
Harris County Attorney's Office  
P.O. Box 2928  
Houston, TX 77252-2928 United States

First Insurance Funding  
450 Skokie Blvd  
Northbrook, IL 60062

(d)Harris County Tax Assessor  
PO Box 4622  
Houston, TX 77210

(d)Harris County, et al  
PO Box 2928  
Houston, TX 77252

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)2425 West Loop, LLC

(u)Landry's Inc.

(u)Sonder USA Inc.

(d)Arin-Air, LLC  
5710 Brittmoore Rd. #13  
Houston, TX 77041-5627

(du)Sonder USA Inc.

(u)Azeemeh Zaheer

(u)Jack Rose

End of Label Matrix	
Mailable recipients	60
Bypassed recipients	7
Total	67